

# House File 557

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1 3 AN ACT  
1 4 RELATING TO LIABILITY OF CERTAIN HEALTH CARE FACILITIES AND  
1 5 HEALTH CARE PROVIDERS PARTICIPATING IN THE VOLUNTEER HEALTH  
1 6 CARE PROVIDER PROGRAM.

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1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 10 Section 1. Section 135.24, Code 2003, is amended to read  
1 11 as follows:

1 12 135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM ESTABLISHED  
1 13 == IMMUNITY FROM CIVIL LIABILITY.

1 14 1. The director shall establish within the department a  
1 15 program to provide to eligible hospitals, clinics, free  
1 16 clinics, or other health care facilities, health care referral  
1 17 programs, or charitable organizations, free medical, dental,  
1 18 and chiropractic services given on a voluntary basis by health  
1 19 care providers. A participating health care provider shall  
1 20 register with the department and obtain from the department a  
1 21 list of eligible, participating hospitals, clinics, free  
1 22 clinics, or other health care facilities, health care referral  
1 23 programs, or charitable organizations.

1 24 2. The department, in consultation with the department of  
1 25 human services, shall adopt rules to implement the volunteer  
1 26 health care provider program which shall include the  
1 27 following:

1 28 a. Procedures for registration of health care providers  
1 29 deemed qualified by the board of medical examiners, the board  
1 30 of physician assistant examiners, the board of dental  
1 31 examiners, the board of nursing, ~~and~~ the board of chiropractic  
1 32 examiners, the board of psychology examiners, the board of  
1 33 social work examiners, the board of behavioral science  
1 34 examiners, and the board of pharmacy examiners.

1 35 b. Procedures for registration of free clinics.

2 1 ~~b- c.~~ Criteria for and identification of hospitals,  
2 2 clinics, free clinics, or other health care facilities, health  
2 3 care referral programs, or charitable organizations, eligible  
2 4 to participate in the provision of free medical, dental, or  
2 5 chiropractic services through the volunteer health care  
2 6 provider program. A free clinic, health care facility, a  
2 7 health care referral program, a charitable organization, or a  
2 8 health care provider participating in the program shall not  
2 9 bill or charge a patient for any health care provider service  
2 10 provided under the volunteer health care provider program.

2 11 ~~c- d.~~ Identification of the services to be provided under  
2 12 the program. The services provided may include, but shall not  
2 13 be limited to, obstetrical and gynecological medical services,  
2 14 psychiatric services provided by a physician licensed under  
2 15 chapter 148, 150, or 150A, or services provided under chapter  
2 16 151.

2 17 3. A health care provider providing free care under this  
2 18 section shall be considered an employee of the state under  
2 19 chapter 669 and shall be afforded protection as an employee of  
2 20 the state under section 669.21, provided that the health care  
2 21 provider has done all of the following:

2 22 a. Registered with the department pursuant to subsection  
2 23 1.

2 24 b. Provided medical, dental, or chiropractic services  
2 25 through a hospital, clinic, free clinic, or other health care  
2 26 facility, health care referral program, or charitable  
2 27 organization listed as eligible and participating by the  
2 28 department pursuant to subsection 1.

2 29 4. A free clinic providing free care under this section  
2 30 shall be considered a state agency solely for the purposes of  
2 31 this section and chapter 669 and shall be afforded protection  
2 32 under chapter 669 as a state agency for all claims arising  
2 33 from the provision of free care by a health care provider  
2 34 registered under subsection 3 who is providing services at the  
2 35 free clinic in accordance with this section, if the free  
3 1 clinic has registered with the department pursuant to  
3 2 subsection 1.

3 3 ~~4- 5.~~ For the purposes of this section, "charitable  
3 4 organization" means a charitable organization within the  
3 5 meaning of section 501(c)(3) of the Internal Revenue Code

3 6 which has as its primary purpose the sponsorship or support of  
3 7 programs designed to improve the quality, awareness, and  
3 8 availability of chiropractic, dental, or medical services to  
3 9 children and to serve as a funding mechanism for provision of  
3 10 chiropractic, dental, or medical services, including but not  
3 11 limited to immunizations, to children in this state.

3 12 ~~5- 6.~~ For the purposes of this section, ~~"health:~~

3 13 a. "Free clinic" means a facility, other than a hospital  
3 14 or health care provider's office which is exempt from taxation  
3 15 under section 501(c)(3) of the Internal Revenue Code and which  
3 16 has as its sole purpose the provision of health care services  
3 17 without charge to individuals who are otherwise unable to pay  
3 18 for the services.

3 19 b. "Health care provider" means a physician licensed under  
3 20 chapter 148, 150, 150A, or 151, a physician assistant licensed  
3 21 and practicing under a supervising physician pursuant to  
3 22 chapter 148C, a licensed practical nurse, a registered nurse,  
3 23 or a dentist, dental hygienist, or dental assistant registered  
3 24 or licensed to practice under chapter 153, a psychologist  
3 25 licensed pursuant to chapter 154B, a social worker licensed  
3 26 pursuant to chapter 154C, a mental health counselor licensed  
3 27 pursuant to chapter 154D, or a pharmacist licensed pursuant to  
3 28 chapter 155A.

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CHRISTOPHER C. RANTS  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

4 5 I hereby certify that this bill originated in the House and  
4 6 is known as House File 557, Eightieth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

4 12 Approved \_\_\_\_\_, 2003

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THOMAS J. VILSACK  
Governor